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AUG 28 1951
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Calendar No. 621

82D CONGRESS, 1st Session | SENATE | REPORT No. 660

JOHN R. WILLOUGHBY

AUGUST 20 (legislative day, AUGUST 1), 1951.—Ordered to be printed

Mr. MCCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1277]

The Committee on the Judiciary, to which was referred the bill (S. 1277) for the relief of John R. Willoughby, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to the conviction of a crime involving moral turpitude in behalf of John R. Willoughby, who is the husband of a United States citizen.

STATEMENT OF FACTS

The beneficiary of the bill is a 33-year-old native and citizen of Canada who is married to a native-born citizen of the United States. When the alien was about 19 years of age he was convicted in Canada of the theft of a small sum of money and the clothes he was wearing and sentenced to a term of 6 months in jail. Since that time he has been steadily employed and has shown outstanding ability in the hotel management field. Without the waiver provided for in the bill, he will be unable to enter the United States for permanent residence to join his United States-citizen wife, who is reported to be about to have a child.

A letter dated July 6, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case reads as follows:

JULY 6, 1951.

HON. PAT MCCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1277) for the relief of John R. Willoughby, an alien.

The bill would provide that notwithstanding the eleventh category of section 3 of the Immigration Act of 1917, as amended, John R. Willoughby may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of the immigration laws.

The files of the Immigration and Naturalization Service of this Department disclose that John Robert Willoughby, also known as John Robert Dolman, a citizen of Canada, was born in Winnepeg, Manitoba, Canada, on March 10, 1918. He was excluded from the United States on August 24, 1950, as an immigrant not in possession of an immigration visa and as a person who has been convicted of crimes involving moral turpitude, namely, theft. His appeal from the excluding decision was dismissed on October 6, 1950. Thereafter, upon the basis of his statement that he had abandoned his application for admission as an immigrant and desired admission to this country as a temporary visitor only, his application for admission to the United States within one year after his exclusion was granted and his admission was authorized under the 9th proviso to section 3 of the 1917 Act. He entered the United States on December 23, 1950, as a temporary visitor, and returned to Canada on January 28, 1951.

The record indicates that when the alien was about 19 years of age he was convicted in Canada of the theft of a small sum of money and the clothes he was wearing, and that he served about 6 months in jail for the commission of the offense (or offenses). He has stated that his mother deserted his father in 1925, leaving him and his sister in the care of their paternal grandparents, that about 1 year subsequent to his father's remarriage in 1929, after residing in his father's home, he was returned to his grandparents, that in 1936 his mother, who was then remarried and residing in the United States, visited him and prevailed upon him to accompany her to the United States. He further stated that he was adopted by his stepfather, whose name is Dolman, and that he completed his high school course in Milan, Mich. It appears that in less than a year he returned to Canada, residing for a time in a hotel in Winnepeg, since his father and grandparents refused to assist him. Being unable to pay his hotel bill, he was sent to a boys' home from which he escaped with the clothes which had been furnished him by the home, as well as a small sum of money. He was apprehended within a day after his escape. The record further indicates that Mr. Willoughby served in the Canadian Artillery for approximately 6 years, rising to the rank of lieutenant. On December 3, 1949, he was married to a native-born citizen of the United States in Margate, England. Mrs. Willoughby is presently residing in Washington, D. C., where she is employed as resident-manager of a large apartment. Mr. Willoughby studied hotel management in England and is presently employed as night manager of a restaurant in Toronto, Canada. Mrs. Willoughby stated that she is expecting a child in September. It appears that Mr. Willoughby's conduct has been good since his youth.

The alien, being a native of Canada, is eligible for nonquota status in the issuance of an immigration visa. Because of his conviction of crimes involving moral turpitude in Canada, however, he is excludable from the United States under the provisions of the eleventh category of section 3 of the Immigration Act of 1917, as amended. In the absence of special legislation he is inadmissible to the United States for permanent residence.

Whether, under the circumstances in this case, the general provisions of the immigration laws should be waived presents a question of legislative policy concerning which this Department prefers not to make any recommendation.

Yours sincerely,

PEYTON FORD, *Deputy Attorney General.*

Senator Carl Hayden, the author of the bill, has submitted the following information in connection with the case:

WASHINGTON 4, D. C., *April 3, 1951.*

Re: John R. Willoughby
Hon. CARL HAYDEN,
Senate Office Building,
Washington, D. C.

DEAR SENATOR HAYDEN: In accordance with your request I am attaching hereto copies of Mr. Willoughby's convictions in 1937 when he was about 19 years of age. As you will note from the annexed documents, since Mr. Willoughby's conviction he has led an exemplary life and has achieved quite a reputation in the hotel field.

In considering this matter, the Commissioner of Immigration, in a decision dated December 15, 1950, stated: "The crimes which formed the basis of the excluding decision were committed when the respondent was 19 years of age. Since that time he has served with distinction in the Canadian Army for 4 years and has apparently been thoroughly rehabilitated. Various letters from reputable persons and organizations attest to his good character. The applicant's case is considered to be meritorious and his admission will be authorized."

The foregoing decision merely authorized Mr. Willoughby's entry for a temporary period, which is the greatest administrative relief which can be granted in this case. At the time of his conviction, Mr. Willoughby was without parental supervision. His parents had been separated and he had no one to take care of him. He was arrested and arraigned before a juvenile court on the ground that he had registered at a hotel and had been unable to pay the hotel bill. As a result of this he was sent to a farm—he ran away from this farm with the clothes which he had on his person, together with some cash which was also on his person. His primary objective was to leave the farm to which he had been committed, rather than to steal anything. Because he was without guardian or sponsors, the court convicted him of theft and sentenced him to a term of 6 months.

Judge Hamilton, of Winnipeg, Canada, who has known Mr. Willoughby for some time, speaks very highly of him and there is no question but that the offenses of his youth were the transgressions of a juvenile who had no supervision. Upon reaching his majority, Mr. Willoughby has definitely indicated that he is law-abiding, respectable, and a person of considerable ability. It seems to me that it is clear both from the facts and the Commissioner's opinion, that this is a meritorious case in which a private bill should be introduced to permit Mr. Willoughby to reside in the United States with his citizen-wife who was formerly in the Foreign Service and who is now pregnant.

Sincerely yours,

JACK WASSERMAN,
Counselor at law.

LONDON, W. 1., *October 28, 1950.*

To Whom It May Concern:

This is to certify that Mr. J. R. Willoughby was employed at Brown's Hotel from November 2, 1945, to December 20, 1946, and again from September 2, 1947, to December 5, 1947. During all that time Mr. Willoughby did very extensive training in different departments, including kitchens, stillroom, stores, control, bill office and reception, and he gave me full satisfaction by his honesty and application.

Mr. Willoughby left Brown's to go to Switzerland to complete his training in getting some continental experience, and he did very well in several important kitchens.

I have no hesitation in recommending Mr. Willoughby as a very efficient and trustworthy employee, and I wish him all the success he deserves in his native country.

GEORGES MARIN, *Manager.*

P. S. I remain at the disposal of any prospective employer who may wish to have more information regarding Mr. Willoughby's character and ability.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1277) should be enacted.

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